

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

NATIONAL COUNCIL OF EXAMINERS  
FOR ENGINEERING AND SURVEYING,

Plaintiff,

v.

BETHZAIDA CAMERON-ORTIZ,

Defendant.

Civil No. 07-1479 (SEC)

**PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT**

Pursuant to Fed. R. Civ. P. 55(b)(2), plaintiff National Council of Examiners for Engineering and Surveying ("NCEES") hereby moves for the award of default judgment in this action, awarding the following relief:

1. An award of actual damages in favor of NCEES, as authorized by 17 U.S.C. § 504, in the amount of \$1,021,630.80, based on defendant's infringement of NCEES's copyrights;

2. An award of actual damages in favor of NCEES in the amount of \$1,021,630.80, based on defendant's breaches of contract, but with the qualification that these are the same damages awarded to NCEES on its copyright claim and therefore can be recovered only once;

3. A permanent injunction, as provided by 17 U.S.C. § 502 and other applicable law, prohibiting defendant, alone or in concert with any agent, representative, or other third party, from (a) infringing in any manner NCEES's existing or future copyrights by copying, duplicating, distributing, selling, publishing, reproducing, adapting, publicly performing, displaying, preparing derivative works based on, renting, leasing, offering, or otherwise transferring or communicating in any manner, orally or in written, printed, video, audio,

photographic, electronic, or other form, including but not limited to any publication on the internet or communication to any other person or entity, any test question or answer that is identical or substantially similar to any test question or answer copyrighted by NCEES; and (b) instructing, counseling, advising, requesting, or suggesting that any person with access to, or intending to obtain access to, any NCEES examination disclose to defendant, or to any individual or entity affiliated with the defendant, any NCEES examination question or answer;

4. An order, as specifically provided by 17 U.S.C. § 503, for destruction of all infringing copies of materials that include all or any part of any copyrighted NCEES test forms, test questions, or test answers, with written conformation to be provided by defendant under penalty of perjury that she has complied with this destruction requirement;

5. An award of all costs incurred in this action by NCEES, including reasonable attorneys' fees, as provided by 17 U.S.C. § 505 and any other applicable law; and

6. Such other relief as this Court deems proper.

A memorandum of law in support of NCEES's motion for default judgment and proposed findings of fact and conclusion of law are submitted herewith.

\* \* \* \* \*

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico, this 23<sup>rd</sup> day of December,  
2008.

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